

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Rufus Lee Pearson, #298692,)	C/A No. 3:05-1180-JFA-JRM
)	
Plaintiff,)	
v.)	ORDER
)	
Ann Shawkat; Mr. Boseman; Tina Syphartt;)	
Mr. Golden; Mrs. Hodges; Robert P.)	
Bollinger; Mrs. Connie Miller; Mr. McCall;)	
Mr. Bailey; and Ms. Counts,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff initiated this action against the defendants pursuant to 42 U.S.C. § 1983. The plaintiff basically claims a retaliatory re-classification and denial of work release based upon an alleged false finding of “poor adjustment” at the Pre-Release Center.

In accordance with established procedures in this District, the case was referred to a Magistrate Judge for pretrial handling. In a detailed and comprehensive Report and Recommendation filed with the court on April 22, 2005, the Magistrate Judge suggests that the plaintiff’s allegations fail to state a claim upon which the court can grant relief.

The plaintiff was advised of the right to file objections to the Report within time limits set out in the Local Rules for this District. However, the plaintiff had not filed objections as of the date of this order.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds that the Magistrate Judge’s suggested disposition is correct. Accordingly, this action is dismissed without prejudice. In addition, and upon the Magistrate Judge’s recommendation, this action shall be deemed a “strike” under the “three strikes” rule of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

June 2, 2005
Columbia, South Carolina

s/ Joseph F. Anderson, Jr.
United States District Judge